

REMARKS

The present amendment is submitted in response to the Office Action dated December 27, 2007, which set a three-month period for response, making this amendment due by March 27, 2008.

Claims 1-8 and 10-12 are pending in this application.

In the Office Action, claims 1-8 and 10-12 were again rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,641,634 to Reich et al.

The Applicant respectfully disagrees with the maintained rejection of the pending claims as anticipated by the Reich et al patent and submits that these grounds for rejection are insupportable. M.P.E.P. Sec. 2131 states that "To anticipate a claim, the reference must teach every element of the claim' See also: Verdegaal Bros. v. Union Oil Co. of California, 814 F2d 628, 631, 2 USPQ 1051, 1053 (Fed. Cir. 1987): "A claim is anticipated only if each and every element as set forth in the claim is found...in a single prior art reference." This is not the case here.

The Examiner argues in the present Office Action that the cover 23 in Reich corresponds to the "top wall" defined in claim 1 of the present application. The Applicant therefore assumes that the Examiner considers that the bottom side 34 of Reich corresponds to the "base" defined in claim 1.

However, Reich discloses NO structure that corresponds to the "air-tight hood in parallel with but a distance from the top wall and base". As recited in claim 1 of the present application, the dust box "supports" this "air-tight hood".

Thus, neither claim 1 nor any of its dependent claims is anticipated by Reich.

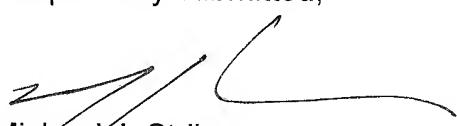
The Examiner argues further in the Office Action that Reich discloses that “ambient air flows into the tool through the bottom...and in doing so, *the air flow both cools the motor and collects dust and debris as the flow continues along*”.

This disclosure, however, is completely inconsistent with the language of claim 2, which specifically recites “separated channels for guiding the cooling exhaust air and the dust evacuation air ***in separate streams***”. Likewise, the Reich disclosure does not read on claim 3, which defines that the “dust evacuation air...is ***sealed off by a partition*** from the cooling exhaust-air flow.

For the reasons set forth above, the Applicant respectfully submits that claims 1-8 and 10-12 are patentable over the cited art, which fails to disclose all of the features of the claims as required. The rejection under Section 102, therefore, must be withdrawn. Allowance of the application is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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